

### **REMARKS**

Claims 1, 3, 5-6, 21-23, and 25-26 were examined and reported in the Office Action. Claims 1-3, 5-6, 21-23, and 25-26 are rejected. Claims 1 and 21 are amended. Claims 1, 3-21, and 23-40 remain.

Applicant requests reconsideration of the application in view of the following remarks.

#### **35 U.S.C. § 102(b)**

It is asserted in the Office Action that claims 1, 3, 5-6, 21, 23 and 25-26 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,403,760 issued to Caskey ("Caskey"). Applicant respectfully traverses the aforementioned rejections for the following reasons.

According to MPEP §2131, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' (Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). 'The identical invention must be shown in as complete detail as is contained in the ... claim.' (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, *i.e.*, identity of terminology is not required. (In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990))."

Applicant's amended claim 1 contains the limitations of "[a] mounting hat for a brake rotor comprising: a lower section coupled to an upper section, a plurality of aerodynamically shaped standoff vanes each having a leading edge, a trailing edge, a top, and a bottom coupled to the upper section, the aerodynamically shaped standoff vanes space apart the upper section from a brake rotor, wherein the leading edge and the trailing edge are curved and have different shapes; and a plurality of vents formed between adjacent aerodynamically shaped standoff vanes, wherein the vents are circumferentially distributed on the upper section, and air located within said

mounting hat and air deflected from said brake rotor are induced to substantially flow through the plurality of vents in a direction outward from a radial interior of said mounting hat to a radial exterior of said mounting hat.”

Applicant’s amended claim 21 contains the limitations of “[a] brake rotor comprising: a rotor, a hub having a plurality of aerodynamically shaped standoff vanes each having a leading edge, a trailing edge, a top, a bottom and a plurality of vents formed between adjacent aerodynamically shaped standoff vanes coupled to the rotor, the leading edge and the trailing edge each having different shapes, wherein the vents are circumferentially distributed between the hub and the rotor, air flow is induced to flow through the plurality of vents, and the aerodynamically shaped standoff vanes space apart the hub from the rotor.”

It is asserted in the Office Action that leading edge and the trailing edge of the recess in Caskey are curved. The recesses in Caskey, however, are not standoff vanes. The recesses in Caskey are formed between the tabs 60. In other words, the recesses are gaps formed between the flange and tabs. It is also noted that the Office Action asserts that the tabs in Caskey are analogous to the vanes in Applicant’s claimed invention. But then the Office Action asserts the recesses have curved leading and trailing edges. Applicant claims that the leading and trailing edges that are curved are standoff vanes. It is noted that the Office Action does not assert that the tabs in Caskey have a leading edge and trailing edge that are curved. Further, Caskey does not teach, disclose or suggest “the leading edge and the trailing edge each having different shapes.” This is readily illustrated in Applicant’s Figures 3 and 5.

Therefore, since Caskey does not disclose, teach or suggest all of Applicant’s amended claims 1 and 21 limitations, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(b) has not been adequately set forth relative to Caskey. Thus, Applicant’s amended claims 1 and 21 are not anticipated by Caskey. Additionally, the claims that directly or indirectly depend on claims 1 and 21, namely claims 3 and 5-6, and 23 and 25-26, respectively, are also not anticipated by Caskey for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 102(b) rejections for claims 1, 3, 5-6, 21, 23 and 25-26 are respectfully requested.

**CONCLUSION**

In view of the foregoing, it is believed that all claims now pending, namely 1, 3-21, and 23-40, patentably defines the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN

Dated: November 4, 2004

By:   
Steven Laut, Reg. No. 47,736

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, California 90025  
(310) 207-3800

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on November 4, 2004.

  
Jean Svoboda